

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CYNTHIA EASLEY, Individually, and
as Administrator of the Estate of
CHRISTOPHER B. EASLEY, Deceased,

Plaintiff,

Case No. 02-C-1065

v.

SGT. MICHAEL B. REUSS,

Defendant.

OPINION AND ORDER

The Plaintiff has filed a motion to compel discovery. See Federal Rule of Civil Procedure 37(a). The Plaintiff wants the Defendant to supplement document production and answers in response to the Plaintiff's outstanding document requests and interrogatories.

The Plaintiff's briefing is repetitious and confusing. After reading and rereading the Plaintiff's reply brief, the court has frequently lost its way and, unfortunately, cannot blame the birds for having consumed the crumbs. The motion appears to be nothing more than an attempt to reactivate the discovery process which long ago expired.

The Plaintiff accuses the Defendant of not timely supplementing or disclosing all discovery sought; yet, no motion to compel was filed within the time limits of discovery. As to the allegations that they have disclosed all discovery sought, the

Defendants contend that they have turned over all of the material requested that they have available and the Plaintiff has submitted nothing to cast doubt on this assertion.

It appears that after Dr. George Kirkham's report was available to the Plaintiff, it resurrected new areas of inquiry which, unfortunately, did not occur until after the discovery period had expired. This was due, primarily to the Plaintiff's expert's inability to comply with the portion of the scheduling order relating to expert disclosure.

In short, because there appears to be no merit to the Plaintiff's position, the court ORDERS that the "Plaintiff Cynthia Easley's Motion for Leave of Court to Compel Outstanding Document Production and Answers to Interrogatories" (filed April 29, 2005) IS DENIED.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 20th day of May, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge